

Serial No. 08/702,625
Art Unit: 1207

B! is a monoalcohol.

DISCUSSION

The claims have been amended to more particularly point out and clearly define what Applicant's consider to be their invention. The Amendments to the claims are of a formal nature to overcome the rejections under 35 U.S.C. 112. In reviewing the claims, other Amendments of a formal nature were entered in the claims which were not rejected. Applicant's respectfully submit that the Amendments to the claims were entered to overcome rejections under 35 U.S.C. 112 or to place the claims in a better form. The amendment of the range of about 8% to about 30% NCO was entered in view of the Markusch et al reference. Support may be found in the specification at page 11, line 27.

Claims 15-39 have been amended to claim a system which comprises the pressurized container and the contents of the container. The system is useful for providing a foam plastic. The pressurized container is disposable and can be discarded by normal waste handling methods. Prior art systems, due to the high content of diisocyanate monomer in the material which remained in the disposable containers, were required to be disposed of in hazardous waste sites which made disposing of the containers complex and expensive.

The invention is directed to a system for producing a foam plastic comprising a pressurized disposable container containing a polyurethane material, blowing agent, foam stabilizer and catalyst. The improvement and advantage in the present

Serial N . 08/702,625
Art Unit: 1207

invention is that the level of diisocyanat monomer, which remains in the container after the container is empty, is sufficiently low that the disposable container does not have to be discarded in a hazardous waste facility. The ability to include the spent pressurized container with ordinary waste reduces the complexity and cost of utilizing the system of the present invention.

Claims 15-61 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative under 35 U.S.C. 103 (a) as obvious over Markusch, et al (U.S. 4,413,111). Applicants respectfully submit that Markusch et al neither teaches nor suggests the present invention.

Applicants respectfully request that the rejection under 35 U.S.C. 102(b) be reconsidered and withdrawn. To be an anticipation under 35 U.S.C. 102(b) the teachings of a reference must teach and disclose each and every limitation in the claims. Applicants respectfully submit that Markusch et al falls far short of teaching or suggesting the present invention.

Markusch et al disclose a method for preparing isocyanate terminated prepolymers with low free monomer content. The method could not be used to prepare the isocyanate-terminated prepolymers useful in the practice of the present invention since the prepolymers disclosed in Markusch et al have an NCO content in the range of up to about 2% by weight (see examples 2, 3 and 7). As one skilled in the art would understand, prepolymers with such low NCO content are not suitable for preparing foamed polyurethanes. The foams do not have sufficient stability and

Serial No. 08/702,625
Art Unit: 1207

collapse before hardening. In addition, there is neither teaching nor suggestion that the composition be utilized in disposable pressurized containers in association with blowing agents, foam stabilizers, catalysts and the like. At column 8, lines 53-55, Markusch et al state:

"The prepolymers are useful in various systems as coatings, laminates, adhesives, flockulants and elastomers."

Applicants respectfully submit that there is neither teaching nor suggestion that the composition of Markusch et al would be useful as a foamed sealant for use in structural applications and in fact it is not useful for such applications. In particular at column 8, lines 56 through column 9, line 4 Markusch et al teaches that the composition is particularly useful in a number of coating applications. Applicants respectfully submit that Markusch et al would neither teach nor suggest to one skilled in the art to utilize the material in disposable pressurized containers and the advantages which could be derived therefrom. Applicants respectfully submit that a rejection under 35 U.S.C. 102(b) is untenable and respectfully request that the rejection be reconsidered and withdrawn.

Applicants respectfully request that the rejection under 35 U.S.C. 103(a) be reconsidered and withdrawn.

Applicants have carefully perused Markusch et al and can find no teaching or suggestion for the system of the present invention which includes the disposable, pressurized container containing the urethane materials along with catalysts, foam

S rial No. 08/702,625
Art Unit: 1207

stabilizers, blowing agents and the like. Applicants submit there is neither teaching nor suggestion to utilize the Markusch et al material as a foam sealant for automobiles and for structural applications. As stated above, one skilled in the art would not attempt to use the polyurethane of Markusch et al since it is known that polyurethanes which have low NCO contents do not produce satisfactory foams.

Markusch et al disclose that the materials have a variety of uses and the description appears at column 8, line 43 through column 9, line 31. The applications disclosed include coatings and various applications which require coating such as adhesives and laminates. Applicants respectfully submit that there is neither teaching or suggestion in Markusch et al to utilize the compositions of Markusch et al in a system comprising a disposable pressure container along with the pressurizing agents, catalysts, foaming agents, foam stabilizers and the like which are required in the practice of the present invention. Clearly, there is neither teaching nor suggestion to utilize the material as a foamed sealant. In fact, Applicants have not been able to find any teaching or suggestion in Markusch et al that the material would be useful in a foamed application.

Applicants invite the Examiner's attention to the teachings of Markusch et al which are directed to a particular species of prepolymer. Applicants submit that Markusch et al recognized that the prepolymer materials disclosed and claimed were not useful in plastic foam applications. Applicants submit that Markusch et al, persons skilled in the art, listed a large number of utilities for the composition but did not list plastic

S rial No. 08/702,625
Art Unit: 1207

foam applications since they recognized that their composition could not be used in plastic foam applications. Applicants respectfully submit that there is neither teaching nor suggestion to utilize the composition of Markusch et al in the system of the present invention.

In view of the Amendments entered into the claims and the above discussion, Applicants respectfully submit that the application is in condition for allowance and favorable consideration is requested.

Respectfully submitted,



Martin G. Meder
(Reg. No. 234,674)
Attorney for Applicant
(610) 832-2235

Henkel Corporation
Law Department
140 Germantown Pike, Suite 150
Plymouth Meeting, PA 19462

DSO/sa
S:\SHARE\TEMP\TEMPHELP\TEMPBVH12151.AMD